

TOWN OF KITTERY, MAINE
PLANNING BOARD MEETING
Council Chambers

APPROVED
September 27, 2012

Meeting called to order at 6:06 p.m.

Board Members Present: Deborah Driscoll, Ann Grinnell, Susan Tuveson, , Rich Balano

Members absent: David Kelly, Robert Melanson, Tom Emerson

Staff: Chris Di Matteo, Assistant Town Planner

Mr. Balano nominated Susan Tuveson as Chair Pro Tem in the absence of Vice Chairman Kelly and temporary absence of Chairman Emerson.

Pledge to the Flag

Minutes: September 13, 2012

Ms. Grinnell moved to accept the minutes of September 13, 2012 as amended

Ms. Driscoll seconded

Motion carried unanimously by all members present

Board members agreed to move Item 2 to the beginning of the meeting.

Public Comment:

Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

There was no public comment.

David Hanson, 14 Highpointe Circle, requested the site walk that was cancelled be re-scheduled to address remaining issues. He also requested a time-frame to complete the required road improvements. **Mr. Di Matteo** stated Operation Blessing has been asked to provide a time-frame for completion of road improvements, and CMA has been asked for road inspection estimates. However, without a standing application, the Planning Board cannot hold a meeting, such as a site walk. **Mr. Hanson** asked if a road naming would trigger a standing application. **Mr. Di Matteo** stated it could, but it would be more applicable if an application to develop remaining property came before the Board.

Joe Gasparro, 11 Highpointe Circle, noted it is his understanding that if Highpointe Circle is extended, the extension would have to be widened to be the same size with sidewalks. Does he have to complete the paving before snow?

Ms. Tuveson suggested further discussion on this matter be taken up with staff. **Mr. Gasparro** asked about the gate status. **Mr. Di Matteo** requested the remaining issues be summarized and submitted in writing to staff and will be reviewed and discussed with the Town Manager, if necessary. **Ms. Tuveson** stated these issues cannot be addressed without a meeting and not during Public Comment.

Mr. Emerson arrived and assumed the Chair.

Mr. Di Matteo asked if the Chairman could sign approved plans and Findings prior to the start of agenda review. The Board agreed to hold a five minute recess.

ITEM 1 – Town Code – Title 16 - Post Plan Approval Process Review Workshop pertaining to Article IX Chapter 10 Section 16.10.9.2 Field Changes and section 16.10.9.3 Modifications to an Approved Plan.

Discuss Town Code as it relates to field changes and plan modifications, determine issues and identify options available to meet Board's goals.

Discussion followed regarding Town projects and whether these projects can by-pass Planning Board review. In the case of the Circle of Honor, this is a private project on Town property, and should be reviewed by the Board.

Mr. Balano suggested an ordinance amendment to require Board review on any development within Kittery. **Mr. Di Matteo** directed Board members to Title 16.10.3.1 *All proposed development including site, subdivision, business use and other development must be reviewed for conformance with the procedures, standards and requirements of this Code by the Planning Board except as provided herein, but in all cases by the Town Planner and Code Enforcement Officer and where required the Board of Appeals as provided herein.* He noted that general maintenance such as paving, culverts, etc. would not be included this language. The definition of development was read: ***Development** means a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.* **Ms. Tuveson** asked if the Board can initiate review. **Mr. Di Matteo** suggested dialogue needs to be created between departments. **Mr. Balano** stated the ordinance appears to support the Board's understanding that all development must be reviewed, including Town projects. **Ms. Wells** stated what is not included in the ordinance can be just as important as what is included. If a department received a grant, they did not have to appear before the Town Council unless it was a matching grant. **Ms. Tuveson** stated grant money should not exempt a project from review. **Mr. Emerson** suggest an ordinance amendment to read: *All proposed development including site, subdivision, business use and other development, including Town initiated projects regardless of funding sources, must be reviewed for conformance with the procedures...* **Ms. Driscoll** asked if the Planning Board reviewed CIP schedules, as they used to. If the Board had the opportunity to review the CIP, perhaps they could better identify upcoming projects and, if the CIP were changed by Council, they would advise the Board. **Mr. Emerson** asked staff to summarize the history of CIP review by the Board and if the Board has the authority to request CIP review.

Mr. Di Matteo suggested the Board review Chapter 10 and note any concerns or changes and prepare to discuss at a workshop. It was agreed that a workshop would be scheduled following the regularly scheduled meeting of October 11, 2012.

ITEM 2 – Quality Improvement Plan for Kittery Center/ Memorial Circle -

Update Planning Board on status of proposed plans for Memorial Circle, Thresher Memorial and a Circle of Honor Memorial adjacent to Town Hall by staff and Thresher Memorial Project Group.

Gary Beers, on behalf of the Thresher Memorial Group, presented the story of the USS Thresher and the loss of 129 crew members and civilian and contractor staff during sea trials in 1963. Of the Thresher crew, only John Reimanschneider of Lebanon, Maine survived as he was not on board during the trial. The 50th Anniversary of the tragedy will be held at the Portsmouth Naval Shipyard on Saturday, April 6, 2013 at 1:00 p.m. Mr. Beers noted the naming of Memorial Circle began with a suggestion by John Carson, Kittery Port Authority and was followed by Dave Kelly, Planning Board member, suggesting a Thresher memorial. In May, 2011 the Town Council approved, with private funding, the installation of a 129 foot flag pole, and the ordinance was amended to allow the single placement of the flag pole in Memorial Circle. Mr. Beers recognized the Project Group involved in the project. The proposal consists of three parts: the flag pole in the center of the circle, the viewing corridor, and the Circle of Honor adjacent to Town Hall.

The proposal is to reduce the 300 foot oval to a 250 foot circle, creating a wider ROW and installing 6-foot, tree-lined, sidewalks around the outer perimeter of the ROW. The flagpole will be located at the geometric center of Memorial Circle with a 20-foot mounded, granite covered circle. The flag would be 20'x30' and top-lighted. Landscaping of Greenland has offered to pay for the hardscaping and landscape the circle as their project contribution, and HL Patton Construction has offered to bore the hole, pour the concrete and set the base for the pole. The dedication of the flagpole will take place on April 7, 2013 at 9:00 a.m. with national and local dignitaries and military memorial protocol, including a 21 gun salute and 129 ship's bell tolls in honor of the lives lost.

The Circle of Honor Memorial and rain garden would permit the viewing of the Memorial Circle without crossing the traffic ways. If the MDOT widens the Rt. 236 underpass, replaces the bridge and removes the by-pass off-

ramp into the circle by moving it up to merge into Old Post Road, the project proposes to create a turnoff, parking, and overlook at the off-ramp location. He summarized design sketches for the Memorial Circle and noted veteran groups have been contacted to re-locate memorials to the Memorial Circle if desired. The budget is currently \$72,395, fluctuating due to the continuing purchase of pavers; cash and in-kind contributions total \$55,000. It is his understanding the flagpole installment would require a building permit and planner approval and not a formal application before the Board. If a formal Board review is required, they would need to be advised of that process.

Board members discussed the review process of plans and proposals, including the proposed DPW and MDOT proposed work, and the Board's review authority for these changes. **Mr. Di Matteo** explained that in a conversation with Mary Ann Conroy, her presentation to the Board is part of the public process required by the State. **Mr. Beers** stated the October 25, 2012 meeting with MDOT is part of the public process review, and a formal plan will be submitted to the Board sometime in November. **Mr. Di Matteo** explained the Board calls public hearings, not the staff. **Mr. Emerson** stated the DPW presentations have been done after the fact as informational only. The staff could schedule a workshop to discuss these kinds of issues. He asked about the existing markers and trees in the Memorial Circle. **Mr. Beers** stated there is no final plan for the Memorial Circle as yet, but the existing trees would not be cut down, but could be removed. **Ms. Grinnell** asked about the parking adjacent to Town Hall for the Circle of Honor, and who will review this. **Mr. Beers** said it is the Planner. **Mr. Di Matteo** stated either the Board or the Planning and Code offices determine code compliance. **Ms. Grinnell** would like to see the overall plan for the Circle of Honor, the overlook and the Memorial Circle area. **Mr. Emerson** explained the flag pole in the center of the Memorial Circle is the only item currently before them, as the other issues are still in flux. The Board can advise the Planning and Code staff that the Board is in agreement that the flag pole is appropriate as presented. **Mr. Balano** asked what kind of application would be presented to the Board. **Ms. Grinnell** stated she needs to see the whole picture and cannot provide piece meal support. **Mr. Emerson** summarized the Circle of Honor has issues that need to be further discussed, such as parking, and the MDOT issues are outside of the Board's review. Only the flagpole can be furthered at this time and should be permitted prior to the October 25th MDOT meeting. **Mr. Beers** stated if they cannot receive a permit and install the flagpole this year, they could install as late as late March, 2013, pending weather conditions. The remaining memorial plans may or may not occur, but will not be completed for some time, nevertheless. The installation of the flagpole is deadline driven. The 20-foot base could be installed through the winter, if necessary, but the flagpole footing must be dug prior to freezing.

Ms. Tuveson noted the MDOT Memorial Circle Plan is scheduled to present to the Planning Board on November 29. **Mr. DiMatteo** stated this could be treated as a public hearing to help DPW meet their public process requirement. Members agreed this presentation by MDOT would be informational only, as there is no application before the Board. **Mr. Beers** thanked the Board for their time.

Staff will confirm the MDOT meeting agenda for October 25, 2012 and communicate findings with the Board via email prior to any change in scheduling.

Break

ITEM 3 – Town Planner Items:

A. Other Title 16 Amendments –

- i. Commercial Recreation definition.

Mr. Emerson asked that this item be continued for future discussion.

- ii. Others to be determined.

Mr. Emerson reported that the miscellaneous code amendments and Cluster Development were ordained by Council on September 24, 2012. However, cluster development in the Admiralty Village area (R-V zone) was not approved and references to cluster development will be removed from this zone. **Mr.**

Emerson would like the Board to review and discuss the cluster development process at a later date, and will reference the Randall Arndt publication regarding this process.

Ms. Driscoll asked if the Board will be discussing increasing the Rural Residential minimum lot size from 1 acre to 3-5 acres, as is outlined in the Comprehensive Plan. General discussion followed regarding the process for development whether cluster or standard development. **Mr. Di Matteo** noted the ROW ordinance language allows development at a slower pace, and potentially avoids subdivision review. Are there other items from the Comp Plan that should be addressed? **Ms. Driscoll** suggested a public hearing be held regarding the Rural Residential density to receive public input. **Ms. Grinnell** suggested scheduling this item in 2013.

B. Meeting Schedule and other project updates.

Ms. Wells noted the Board's bylaws state there is only one scheduled meeting in November and December.

Mr. Di Matteo reported that Mike Desjardins requested a six month extension to submit his final plan. **Ms. Tuveson** recommended extension requests be submitted in person. **Mr. Emerson** stated the request could be submitted by the applicant during "Planner's Time" and not be formally advertised as an agenda item.

There was no further discussion.

Mr. Balano moved to adjourn

Ms. Grinnell seconded

Motion carries unanimously by all members present

The Kittery Planning Board meeting of September 27, 2012 adjourned at 8:46 p.m.

Submitted by Jan Fisk, Recorder – October 2, 2012